

In the matter of the application of)
)
 ROBYN TIFFANY ROBERTS)
)
 Applicant)

The Missouri Real Estate Commission ("MREC") hereby issues its ORDER granting a PROBATED real estate salesperson license to Robyn Tiffany Roberts ("Roberts") pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038, RSMo, Roberts may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the MREC's decision to issue a probated real estate salesperson license. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date of delivery or mailing by certified mail of this Order. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the MREC's decision shall be considered waived.

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FINDINGS OF FACT

Based upon the foregoing, the MREC hereby states:

1. The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo, for the purpose of executing and enforcing the provisions of § 339.010 to 339.205 and § 339.710 to 339.860, RSMo, and the regulations promulgated thereunder, relating to real estate salespersons and brokers.
2. Robyn Tiffany Roberts is a natural person residing at the address of 735 Normandy Courts Apt. G, Hazelwood, Missouri 63042.
3. On or about October 24, 2014 the MREC received Roberts' application for a real estate salesperson license ("Application").
4. On her Application, question 4-13, Roberts was asked if she had "been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state, or any other state, or of the United States, whether or not sentence was imposed? **NOTE: This includes Suspended Imposition of Sentence, Suspended Execution of Sentence, and alcohol related offenses, i.e. DWI and BAC.**" Roberts responded, "YES" to question 4-13.
5. Roberts included a statement with her answer of "YES" to question 4-13. Roberts disclosed that she was convicted of misdemeanor assault in 2004.
6. Roberts failed to disclose three other convictions in Missouri and Georgia on her application.

7. On or about January 26, 2015, the MREC advised Roberts to locate a new sponsoring broker as the original broker withdrew his sponsorship as a result of Roberts' failure to disclose her complete criminal history.
8. Roberts submitted a second application on March 9, 2015 with a new sponsoring broker. Roberts failed to disclose all of her criminal convictions. On April 7, 2015, Roberts notified the MREC that the second sponsoring broker was withdrawing sponsorship because of her lack of truthfulness. On April 7, 2015, Roberts also notified the MREC of all of her convictions. However, the broker referenced in Roberts' April 7, 2015 letter also withdrew sponsorship of Roberts.
9. On April 22, 2015, the MREC received another application from Roberts, fully disclosing all of her criminal convictions. The MREC also received confirmation from the sponsoring broker that Roberts would be affiliated with them.
10. On or about June 9, 2005, Roberts pled guilty to the class A misdemeanor of Passing Bad Check, Less than \$500 in the Circuit Court of Cole County, Missouri, case number 04CR326383.
11. On or about June 9, 2005, the Court sentenced Roberts to thirty days in jail but suspended the execution of sentence and placed Roberts on two years' probation. The Court also ordered Roberts to pay \$1,078.31 in restitution and \$119.00 in court costs. Roberts violated her probation in December 2005 for failure to pay restitution but ultimately Roberts completed probation on June 9, 2007.
12. On or about October 30, 2008, Roberts pled guilty to the class D felony of Property Damage in the First Degree in the Circuit Court of St. Louis County, Missouri, case number 2107R-02459-01.

13. On or about October 30, 2008, the Court suspended the imposition of sentence and placed Roberts on three years' probation. The Court ordered Roberts to pay restitution in the amount of \$1,212.80, to have no contact with the victim and to complete 40 hours of community service within the first year of probation. Roberts violated the terms of her probation by failing to pay restitution but ultimately completed probation on April 1, 2010.
14. On or about September 17, 2009, Roberts entered an Alford plea of guilty to the misdemeanor of theft by shoplifting in the Superior Court of Fulton County, Georgia, case number 09SC75315.
15. On or about September 17, 2009, the Court sentenced Roberts to twelve months in jail but suspended the sentence and placed her on probation. The Court suspended the sentence upon payment of a \$300 fine.
16. The crimes of passing a bad check, property damage in the first degree and theft by shoplifting are offenses of which an essential element is fraud, dishonesty or an act of violence and/or are crimes involving moral turpitude; and the commission of these crimes demonstrates a lack of regard for the health, safety, and welfare of the public.
17. The crimes of passing a bad check, property damage in the first degree and theft by shoplifting are offenses reasonably related to the qualifications, functions, and duties of a real estate salesperson.

II

CONCLUSION OF LAW

18. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Roberts' application for a real estate salesperson license pursuant to § 339.080.1, RSMo, which provides: "The commission may refuse to examine or issue a license to any person known by it to be guilty of any of the acts or practices specified in subsection 2 of section 339.100,"

19. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Roberts's application for a real estate salesperson license pursuant to the provisions of § 339.100.2(16), (18) and (19), RSMo, which state:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

...

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any

offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

20. Section 339.040.1, RSMo, provides that licenses shall be issued only to persons of good moral character who bear a good reputation for honesty, integrity, and fair dealing and who are competent to transact the business of a real estate salesperson in a manner so as to safeguard the public's interest.

21. As a result of the criminal conduct identified in Section I herein, Roberts has engaged in conduct and has pleaded guilty to crimes that adversely affect her moral character, her reputation, and her fitness and qualifications to practice as a real estate salesperson.

22. As an alternative to refusing to issue a license, the MREC may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of license, the board, as an alternative to refusing to issue a license, may at its discretion, issue to an applicant a license subject to probation.

23. The MREC issues this Order in lieu of denial of Roberts' application for a real estate salesperson license. The MREC has determined that this Order is necessary to ensure the protection of the public.

III

TERMS AND CONDITIONS

24. Based on the foregoing, the Missouri real estate salesperson license issued to Roberts is subject to the following terms and conditions.
25. **Roberts' license is on probation for three (3) years.** Roberts' real estate salesperson license is hereby placed on PROBATION for a period of THREE (3) YEARS from the effective date of this Order. During the period of probation on her real estate salesperson license, Roberts shall be entitled to practice as a real estate salesperson provided she adheres to all the terms stated herein. The period of probation shall constitute the "disciplinary period."
26. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:
- A. If at any time during the disciplinary period Roberts wishes to transfer her license affiliation to a new broker/brokerage, she must submit a Broker Acknowledgment form signed by the new broker. This acknowledgement is in addition to any other required application, fee, and documentation necessary to transfer her license. Roberts must obtain the Broker Acknowledgement form from the MREC.
 - B. Roberts shall keep the MREC apprised at all times in writing of her current address and telephone number at each place of residence and business. Roberts shall notify the MREC in writing within ten days of any change in this information.

C. Roberts shall timely renew her Missouri real estate salesperson license, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain her license in a current and active state. During the disciplinary period, Roberts shall not place her license on inactive status as would otherwise be allowed under 20 CSR 2250-4.050. Alternatively, without violating the terms and conditions of this Probated License Order, Roberts may surrender her real estate license by submitting a letter to the MREC. If Roberts applies for a real estate license after surrender, Roberts shall be required to requalify as if an original applicant and the MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Probated License Order.

D. Roberts shall meet in person with the MREC or its representative at any such time and place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.

E. Roberts shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

F. During the probationary period, Roberts shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.

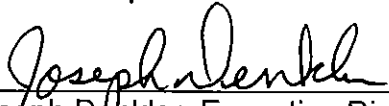
G. Roberts shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the MREC; and all local, state, and federal

laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

27. Upon the expiration and successful completion of the disciplinary period, Roberts' real estate salesperson license shall be fully restored if all other requirements of the law have been satisfied; provided, however, that in the event the MREC determines that Roberts has violated any term or condition of this Order, the MREC may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Roberts' real estate salesperson license.
28. No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536, RSMo.
29. If the MREC determines that Roberts has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the MREC may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning such violation.
30. If any alleged violation of this Order occurs during the disciplinary period, the MREC may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

31. The MREC will maintain this Order as an open and public record of the MREC as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED AND EFFECTIVE THIS 16th DAY OF June 2015.



Joseph Denkler, Executive Director
Missouri Real Estate Commission